

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ian Kenneth Shepherd

Appl. No. To be assigned (Continuation of
U.S. Appl. No. 09/667,423; Filed:
September 21, 2000)

Filed: Herewith

For: **Methods and Apparatus Relating
to the Formulation and Trading of
Investment Contracts**

Confirmation No. n/a

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 1033.0180002

Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not

be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
 - c. Attached is our PTO-2038 Credit Card Payment Form [OR] Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).
- 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign

application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- 7. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/667,423, filed September 21, 2000, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Jeffrey S. Weaver
Attorney for Applicant
Registration No. 45,608

Date: 7-10-03

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SKGF_DC1:153802.1

FORM PTO-1449 <u>INFORMATION DISCLOSURE STATEMENT</u>		ATTY. DOCKET NO. 1033.0180002	APPLICATION NO. To be assigned
		APPLICANT Ian K. Shepherd	
		FILING DATE Herewith	GROUP To be assigned

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	3,573,747	04/1971	Adams et al.	340	172.5	
	AB1	4,346,442	08/1982	Musmanno	364	408	
	AC1	4,376,978	03/1983	Musmanno	364	408	
	AD1	4,674,044	06/1987	Kalmus	364	408	
	AE1	4,722,055	01/1988	Roberts	364	408	
	AF1	4,739,478	04/1988	Roberts et al.	364	408	
	AG1	4,751,640	06/1988	Lucas et al.	364	408	
	AH1	4,766,539	08/1988	Fox	364	401	
	AI1	4,823,264	04/1989	Deming	364	408	
	AJ1	4,831,526	05/1989	Luchs et al.	364	401	
	AK1	4,839,804	06/1989	Roberts et al.	364	408	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1	0 512 702 A2	11/11/1992	EP	G06F	15/21	Yes No
	AM1	WO 93/15467	08/05/1993	WIPO	G06F	15/24	Yes No
	AN1	WO 94/20912	09/15/1994	WIPO	G06F	15/30	Yes No
	AO1	0 407 026 A2	01/09/1991	EP	G06F	15/24	Yes No
	AP1	1 489 573	10/19/1977	GB	G06F	15/20	Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	1	"Heavy Losses Have Been Chalked Up by City Punters Betting on the Financial Markets," <i>Evening Standard</i> , October 22, 1987, p. 39.
AS	1	"A Number of City Brokers and Dealers are Facing Financial Ruin as a Result of Losses They Have Incurred by Gambling on Future Movements in Stock Market Indices," <i>Evening Standard</i> , October 30, 1987, p. 59.
AT	1	"Christopher Hales, the Managing Director of City Index, the Organisation that Allows Punters to Bet on the FTSE Index, Has Not Yet Been Offered a Porsche . ." <i>Evening Standard</i> , November 2, 1987, p. 50.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA2	4,903,201	02/1990	Wagner	364	408	
	AB2	4,933,842	06/1990	Durbin et al.	364	408	
	AC2	4,953,085	08/1990	Atkins	364	408	
	AD2	4,975,840	12/1990	DeTore et al.	364	401	
	AE2	4,980,826	12/1990	Wagner	364	408	
	AF2	5,077,665	12/1991	Silverman et al.	364	408	
	AG2	5,101,353	03/1992	Lupien et al.	364	408	
	AH2	5,126,936	01/1992	Champion et al.	364	408	
	AI2	5,136,501	08/1992	Silverman et al.	364	408	
	AJ2	5,970,479	10/1999	Shepherd	705	37	
	AK2	6,134,536	10/2000	Shepherd	705	37	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2	0 434 224 A2	06/26/1991	EP	G06F	15/21	Yes No
	AM2	WO 91/14231	09/19/1991	WIPO	G06F	15/21	Yes No
	AN2	2 180 380 A	03/25/1987	GB	G06F	15/21	Yes No
	AO2	WO 90/11571	10/04/1990	WIPO	G06F	15/21	Yes No
	AP2	WO 96/18160	06/13/1996	WIPO	G06F	17/60	Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	2	"The Game of Professional Investment is Intolerably Boring and Over-Exacting to Anyone Who is Entirely Exempt from the Gambling Instinct, While He Who Has it Must Pay to this Propensity the Appropriate Toll," <i>Planned Savings</i> , December 1987, pp. 50-51.
	AS	2	"UK: Law Prohibiting Stock Market Betting Agencies from Suing Clients Overturned in Recent Legislation," <i>The Times</i> , July 24, 1990.
	AT	2	"UK: Court Rules Gamblers Owing Money on Bets on Stock Market Have to Pay Up," <i>Mail on Sunday</i> , July 29, 1990, p. 61.

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA3	6,157,918	12/2000	Shepherd	705	37	
	AB3						
	AC3						
	AD3						
	AE3						
	AF3						
	AG3						
	AH3						
	AI3						
	AJ3						
	AK3						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL3	0 448 800 A1	10/02/1991	EP	G06F	15/21	Yes No
	AM3	WO 94/28496	12/08/1994	WIPO	G06F	15/21, 15/30	Yes No
	AN3						Yes No
	AO3						Yes No
	AP3						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	3	"UK: Independent Law Report - Stock Market Movement Bet Claimed," <i>Independent</i> August 3, 1990, p. 13.
AS	3	"UK: City Index Successfully Sues Spencer Leslie for £35,000," <i>Euroweek</i> August 3, 1990, p. 23.
AT	3	"UK: Times Law Report - Differences Contract is Enforceable," <i>The Times</i> , October 3, 1990.

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA4						
	AB4						
	AC4						
	AD4						
	AE4						
	AF4						
	AG4						
	AH4						
	AI4						
	AJ4						
	AK4						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL4						Yes No
	AM4						Yes No
	AN4						Yes No
	AO4						Yes No
	AP4						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>4</u>	"UK: Current Law - City Index Ltd. v. Leslie; Gaming Contracts are Unenforceable Unlike Business Contracts," <i>Chartered Surveyor Law Report</i> , October 18, 1990, p. 132.
AS	<u>4</u>	"UK: Court of Appeal Rejects Market Gambler Case," <i>Financial Times</i> , The Financial Time Limited, March 15, 1991, p. 7.
AT	<u>4</u>	"UK: Personal Finance (Savings Snips) - City Saver - City Index Link," <i>Observer</i> , March 7, 1993, p. 35.

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA5						
	AB5						
	AC5						
	AD5						
	AE5						
	AF5						
	AG5						
	AH5						
	AI5						
	AJ5						
	AK5						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL5						Yes No
	AMS						Yes No
	AN5						Yes No
	AO5						Yes No
	AP5						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	5	"UK: Spread Your Bets for Dodgy Deregulation," <i>Evening Standard</i> , April 7, 1995.
	AS	5	"UK: How to Make a Winning Spread Bet This Summer - The New Gambling - Cover Story," <i>The Times</i> , April 8, 1995.
	AT	5	"UK: Family Finance - Do You Fancy a Financial Flutter?" <i>Sunday Telegraph</i> , The Sunday Telegraph Limited, London, April 9, 1995, p. 9.

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA6						
	AB6						
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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL6						Yes No
	AM6						Yes No
	AN6						Yes No
	AO6						Yes No
	AP6						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	6	Nigel Cope, "UK: Where Bookie Meets Broker," Management Today, May 1995, p. 76.
	AS	6	Jonathan Davis, "UK: Your Money - Spread Betting - Risk and Reward in Selling the Ivory Coast Short," Independent, May 27, 1995, p. 21.
	AT	6	"UK: Register - Meal Quarterly Summary - June 1995 - City Index Ltd.," Register - Meal, June 14, 1995.

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	AA7						
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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL7						Yes No
	AM7						Yes No
	AN7						Yes No
	AO7						Yes No
	AP7						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	7	"UK: Scrum on Down for New Way of Betting," <i>Mail on Sunday</i> , June 18, 1995.
	AS	7	Lucy Roberts, "UK: City Diary - City Index Weather Forecasts," <i>Independent</i> , June 23, 1995, p. 26.
	AT	7	"UK: Christmas Day Snow Index Launched," <i>Evening Standard</i> , December 8, 1995.

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA8						
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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL8						Yes No
	AM8						Yes No
	AN8						Yes No
	AO8						Yes No
	AP8						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	8	Joe Saumarez Smith, "Australia: City - Bookie's Move to Hit Betting Duty," <i>Sunday Telegraph</i> , The Sunday Telegraph Limited, London, December 24, 1995, p. 2.				
AS	8	"UK: City Diary - Spreading the Word," <i>Daily Telegraph</i> , The Telegraph plc, London, March 21, 1996, p. 21.				
AT	8	"UK: City Diary - Index Link a Fairly Safe Bet," <i>Daily Telegraph</i> , The Telegraph plc, London, July 16, 1996, p. 25.				

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	AA9						
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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL9						Yes No
	AM9						Yes No
	AN9						Yes No
	AO9						Yes No
	AP9						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	9	"UK: IG Index Comments on Rivals Merger Plans," Evening Standard, July 17, 1996.
	AS	9	"UK: City Index - Partners," Financial Times, Financial Times Limited, October 14, 1996, p. 14.
	AT	9	"UK: Reuters Launches Two UK Stock Indices," Reuters Limited, November 8, 1996.

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	AA10						
	AB10						
	AC10						
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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL10						Yes No
	AM10						Yes No
	AN10						Yes No
	AO10						Yes No
	AP10						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>10</u>	Paul Stokes, "UK: New Index Sparks a Worldwide Market for Scotland," <i>Scotsman</i> , November 9, 1996, p. 21.				
AS	<u>10</u>	"UK: City Diary - Bookmaker Chief Appointed," <i>Daily Telegraph</i> , Telegraph Group Limited, London, March 24, 1997, p. 26.				
AT	<u>10</u>	"UK: Family Finance - Bond Pep From Age Concern - Savings Scene," <i>Sunday Telegraph</i> , Telegraph Group Limited, London, September 14, 1997, p. 10.				

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	AA11						
	AB11						
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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL11						Yes No
	AM11						Yes No
	AN11						Yes No
	AO11						Yes No
	AP11						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>11</u>	Raymond Snoddy, "UK: Mirror to Launch Online Betting Service with PA - The Mirror Group - PA News," <i>The Times</i> , Times Newspaper Ltd, September 19, 1997, p. 25.
AS	<u>11</u>	"The DTB - West Germany's New Options and Futures Exchange. (2 of 2)," <i>Business Briefing</i> published in <i>Institutional Investor</i> , August 31, 1989.
AT	<u>11</u>	Richard Murphy, "Soffex Well-Established After First Six Months," <i>Business Briefing</i> published by <i>Reuters News Service</i> , Zurich, November 16, 1988.

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	AA						
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FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	AR	<u>12</u>	"A New Futures and Options Exchange to Come into Effect in 1990. (2 of 3)," <i>Business Briefing</i> published in <i>Euromoney Supplements</i> , November 17, 1989.				
	AS	<u>12</u>	"A New Futures and Options Exchange to Come into Effect in 1990. (3 of 3)," <i>Business Briefing</i> published in <i>Euromoney Supplements</i> , November 17, 1989, p. 14.				
	AT	<u>12</u>	"The Success of Soffex - The World's First Fully Automated Exchange," <i>Business Briefing</i> , November 17, 1989.				

EXAMINER	DATE CONSIDERED
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FORM PTO-1449 <u>INFORMATION DISCLOSURE STATEMENT</u>			ATTY. DOCKET NO. 1033.0180002		APPLICATION NO. To be assigned		
			APPLICANT Ian K. Shepherd				
			FILING DATE Herewith		GROUP To be assigned		
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
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FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	AR	<u>13</u>	Curtis M. Elliott and Emmett J. Vaughan: "Fundamentals of Risk and Insurance," John Wiley & Sons, Inc., 1972.				
	AS	<u>13</u>	William A. Spurr and Charles P. Bonini: "Statistical Analysis for Business Decisions," Richard D. Irwin, Inc., 1974.				
	AT	<u>13</u>	John W. Labuszewski and John E. Nyhoff: "Trading Options on Futures - Markets, Methods, Strategies and Tactics," John Wiley & Sons, Inc., 1988.				
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	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>14</u>	Edgar E. Peters: "Chaos and Order in the Capital Markets - A New View of Cycles, Prices, and Market Volatility," John Wiley & Sons, Inc., 1991.
AS	<u>14</u>	David Mayers and Clifford Smith: "The Corporate Insurance Decision" - journal article reprinted in "The Revolution in Corporate Finance" edited by Joel M. Stern & Donald H. Chew, Jr., Blackwell Finance, 1992.
AT	<u>14</u>	Charles Smithson and Clifford Smith: "Managing Financial Risk" - journal article reprinted in "The Revolution in Corporate Finance" edited by Joel M. Stern & Donald H. Chew, Jr., Blackwell Finance, 1992.

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	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>15</u>	Donald R. Lessard: "Finance and Global Competition: Exploiting Financial Scope and Coping with Volatile Exchange Rates" - journal article reprinted in "The Revolution in Corporate Finance" edited by Joel M. Stern & Donald H. Chew, Jr., Blackwell Finance, 1992.
AS	<u>15</u>	Alan C. Shapiro and Sheridan Titman: "An Integrated Approach to Corporate Risk Management" - journal article reprinted in "The Revolution in Corporate Finance" edited by Joel M. Stern & Donald H. Chew, Jr., Blackwell Finance, 1992.
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